

JOHNSON COUNTY BOARD OF COMMISSIONERS

222 West Main Street
Mountain City, Tennessee 37683
423.727.9696



SPECIAL CALLED MEETING NOTICE

**JOHNSON COUNTY COMMISSION
WILL CONVENE A SPECIAL MEETING TO CONSIDER AND APPOINT THE INTERIM
SUCCESSOR FOR THE OFFICE OF STATE REPRESENTATIVE, DISTRICT 3**

**THURSDAY, MAY 11, 2023
AT 7:00 P.M.**

**THE MEETING WILL BE HELD IN THE
UPPER COURT ROOM
OF THE
JOHNSON COUNTY COURTHOUSE
222 WEST MAIN STREET IN MOUNTAIN CITY, TENNESSEE.**

TO: COMMISSIONERS OF JOHNSON COUNTY, TENNESSEE

Bill Adams, Eugene Campbell, Lester Dunn, Jerry Gentry, Tracy Greer, Jerry Grindstaff, Huey Long, James Lowe, Megan McEwen, Gina Meade, Kody Norris, Cody Osborne, Freddy Phipps, Tommy Poore and Brian Taylor.

AGENDA

1. Opening Prayer
2. Pledge of Allegiance
3. Roll Call
4. Call to Order
5. Public Comments
6. Procedural Review – Freddy Phipps, Chair
7. Nominations for Interim Successor for Office of State Representative, District 3
8. Nominees May Address Commission – Time limit will be 5 minutes per nominee
9. Roll Call Vote
10. Appointment of the Interim Successor for Office of State Representative, District 3



JOHNSON COUNTY GOVERNMENT

Larry Potter, County Mayor

222 West Main Street
Mountain City, TN 37683

FOR IMMEDIATE RELEASE

April 26, 2023

**JOHNSON COUNTY COMMISSION TO CONVENE A SPECIAL MEETING TO CONSIDER AND
APPOINT THE INTERIM SUCCESSOR FOR THE OFFICE OF STATE REPRESENTATIVE, DISTRICT 3**

MOUNTAIN CITY, TENNESSEE -- To ensure the continued representation of the residents of District 3, the Johnson County Commission will convene a special meeting on Thursday, May 11, 2023, to consider and appoint the interim successor as State Representative until the Special Election concludes. The meeting, which is open to the public, will be held in the Upper Courtroom of the Johnson County Courthouse located at 222 West Main Street in Mountain City, Tennessee.

Those vying for the position of interim successor for State Representative, District 3 will be given the opportunity to present themselves for consideration before the County Mayor and County Commission. At the conclusion of the brief presentations, the County Commission will select the interim successor who will serve in this capacity until the Special Election.

Governor Bill Lee issued a Writ of Election on April 25, 2023, ordering a Special Election to fill the vacancy in the Office of State Representative for District 3. Interested candidates have until noon on Thursday, May 11 to complete the qualifying phase and the withdrawal deadline for consideration is noon on Monday, May 15, 2023. Early voting for the Special Election will open on Saturday, June 17 with the Special Primary scheduled for Thursday, June 22. Registered voters in Carter, Johnson, Hawkins, and Sullivan Counties will then have the opportunity to select the new State Representative for District 3 on Thursday, August 3, 2023, in the Special General Election.

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Attachments:

Writ of Election, Governor Bill Lee

Key Dates for TN House District 3 Special Elections, Secretary of State Tre Hargett

Public Notice for Special Meeting on Thursday, May 11, 2023

For more information:

Sheila Caldwell, Assistant to Mayor Larry Potter | 423-727-9696

Mayor@JohnsonCountyTN.gov | 423-727-9696 | JohnsonCountyTN.gov

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APR 25 2023

Secretary of State
Tre Hargett



**WRIT OF ELECTION
STATE HOUSE OF REPRESENTATIVES
DISTRICT 3**

TO: Carter County Election Commission
Johnson County Election Commission
Hawkins County Election Commission
Sullivan County Election Commission
The Honorable Tre Hargett, Secretary of State
ATTN: Coordinator of Elections

WHEREAS, on April 20, 2023, the Honorable Scotty Campbell, State Representative, District 3, resigned from his seat as a member of the House of Representatives of the One Hundred Thirteenth General Assembly, effective immediately; and

WHEREAS, the resignation of the Honorable Scotty Campbell has created a vacancy in the Office of State Representative, District 3; and

WHEREAS, Article II, Section 15, of the Constitution of the State of Tennessee and Tennessee Code Annotated, Section 2-14-202, require a successor be elected in a special election by the qualified voters of District 3; and

WHEREAS, Tennessee Code Annotated, Section 2-14-202(a), provides for the governor to order the special election by issuing a proper writ of election; and

WHEREAS, Tennessee Code Annotated, Section 2-14-202(b), requires this writ of election to set a date for primary elections that is not less than fifty-five (55) nor more than sixty (60) days from the date of the writ of election and to set a date for a general election that is not less

than one hundred (100) nor more than one hundred seven (107) days from the date of the writ of election.

NOW, THEREFORE, I, Bill Lee, Governor of the State of Tennessee, pursuant to the authority vested in me by the laws and Constitution of the State of Tennessee, by this Writ of Election do hereby order and direct the Carter County Election Commission, the Johnson County Election Commission, the Hawkins County Election Commission, and the Sullivan County Election Commission to hold primary elections for nominations by statewide political parties to fill the vacancy in the Office of State Representative, District 3, on Thursday, June 22, 2023, and to hold a general election to fill the vacancy in the Office of State Representative, District 3, on Thursday, August 3, 2023.

Notice of the dates and purposes of these elections shall be published pursuant to Tennessee Code Annotated, Section 2-14-105.

Issued this 25th day of April 2023.



GOVERNOR

ATTEST:



SECRETARY OF STATE





Key Dates for Tennessee House District 3 Special Elections

Tuesday, April 25	Writs of election issued and first day to issue petitions
Thursday, May 11	Qualifying deadline at 12:00 Noon
Monday, May 15	Withdrawal deadline at 12:00 Noon
Tuesday, May 23	Voter registration deadline for primary election
Friday, June 2	Early voting begins for primary election
Thursday, June 15	Absentee request deadline for primary election
Saturday, June 17	Early voting ends for primary election
Thursday, June 22	ELECTION DAY – Special Primary
Wednesday, July 5	Voter registration deadline for general election
Friday, July 14	Early voting begins for general election
Thursday, July 27	Absentee request deadline for general election
Saturday, July 29	Early voting ends for general election
Thursday, August 3	ELECTION DAY – Special General

JUSTIA

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2021 Tennessee Code

Title 5 - Counties

Chapter 5 - County Legislative Bodies

Part 1 - Substantive Provisions

§ 5-5-111. Filling Vacancies — Notice to Legislative Body — Notice to Public — Nominations — Appointment by Vote of Legislative Body — Challenge of Appointment — Deadline — Applicability of Provisions

Universal Citation: TN Code § 5-5-111 (2021)

a.

1. Whenever an office is required to be filled, or a vacancy occurs in any office required to be filled, by the county legislative body, the county clerk shall provide notice to every member of the county legislative body of the need to fill the office or vacancy. If the office of county clerk is vacant, the notice shall be provided by the county clerk's deputy. If, in addition, there is no deputy county clerk, notice shall be provided by the acting chair of the county legislative body. In accordance with § 8-48-108, the formal notice to members required by this subdivision (a)(1) is directory and may be waived by the members of the county legislative body if all members have constructive notice of the vacancy or opening through other sources of information.

2. In addition to the notice provided for in subdivision (a)(1), the presiding officer of the county legislative body shall cause public notice to be given in a newspaper of general circulation in the county at least seven (7) days prior to the meeting of the body at which the office is to be filled, notifying the public of the vacancy or opening and specifying the office or offices to be filled at the meeting.
- b. Before the county legislative body votes or considers any motion or resolution regarding the office to be filled, the chair shall allow registered voters of the county an opportunity to submit names to the county legislative body for consideration. The names may be submitted in writing to the chair prior to the meeting or may be submitted in person at the meeting. In order for a name to be considered, a member of the county legislative body must subsequently nominate the person. Members of the county legislative body may also nominate a candidate or candidates to fill the office or vacancy without the name being submitted by a voter. Nominations do not require a second. If the person nominated is not present at the meeting, the person making the nomination shall submit a signed statement from the nominee that the nominee is willing to serve in the office if appointed.
- c. Should a member of the county legislative body accept a nomination for an office or vacancy that is required by the Constitution of Tennessee to be filled by the county legislative body, the member shall be prohibited from voting on the appointment or any motions or resolutions relative to making the appointment until the office or vacancy is filled. For the purposes of determining a majority, the membership of the county legislative body shall be reduced to reflect any member or members prohibited from voting on the appointment. If a member of the county legislative body is subsequently appointed to fill the office or vacancy, the member shall immediately resign from the county legislative body upon accepting the appointment. If the member does not receive the appointment, the member shall not be required to resign and may continue the member's duties on the county legislative body upon the conclusion of the vote on the appointment.
- d. After nominations cease, the county legislative body may discuss the nominations and may, at the discretion of the chair, interview nominees or allow nominees the opportunity to address the county legislative body. Upon motion passed by the majority of the members, the vote to make the appointment may be postponed to a

subsequent meeting; provided, that adequate public notice of the meeting is given in accordance with title 8, chapter 44.

- e. To receive an appointment, a nominee must receive the votes of a majority of the members of the county legislative body eligible to vote on the appointment. The county legislative body shall adopt rules of procedure for eliminating nominees in cases where there are multiple nominees for an appointment and no nominee receives a majority of the votes after the initial vote. No secret balloting shall be permitted. Each member's vote regarding the appointment process shall be recorded by the clerk and entered on the minutes of the county legislative body. A tie vote of the county legislative body regarding an appointment may be broken in the same manner that other tie votes of the body may be broken.
- f. Any complaint challenging the legality of an appointment made by the county legislative body shall be filed with the chancery court of the county within ten (10) days of the date of the appointment.
- g. When filling a vacancy in offices required to be filled by the county legislative body, the county legislative body shall fill the vacancy in accordance with the deadline provided in § 5-1-104.
- h.
 - 1. This section shall not apply to any county that has a metropolitan form of government and a population in excess of five hundred thousand (500,000), according to the 2000 federal census or any subsequent federal census.
 - 2. This section shall not apply to any county having a population of not less than eight hundred ninety-seven thousand four hundred (897,400) nor more than eight hundred ninety-seven thousand five hundred (897,500), according to the 2000 federal census or any subsequent federal census.

Code 1858, § 817; Shan., § 1144; mod. Code 1932, § 1904; modified; Acts 1978, ch. 934, §§ 15, 24; 1979, ch. 16, § 1; T.C.A. (orig. ed.), § 5-512; Acts 2008, ch. 871, § 3; 2009, ch. 14, §§ 1, 2.

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